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A PROFESSIONAL CORPORATION
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4 Attorneys for Plaintiffs
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 BOARD OF TRUSTEES OF THE NORTHERN)	NO. C 07 3207 JL
CALIFORNIA FLOOR COVERING, et al.,)	
)	DECLARATION OF ATTORNEY
12 Plaintiffs,)	MICHAEL J. CARROLL IN
)	SUPPORT OF PLAINTIFF'S
13 vs.)	EX PARTE APPLICATION FOR
)	ORDER TO CONTINUE CASE
14 BEVIL'S FLOOR SERVICE, INC., a)	<u>MANAGEMENT CONFERENCE</u>
15 California corporation)	
)	
16 Defendant.)	
)	

17 I, MICHAEL J. CARROLL, certify:
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19 1. I am an attorney with the law firm of Erskine & Tulley,
20 A Professional Corporation, attorneys for plaintiffs, BOARD OF
21 TRUSTEES OF THE NORTHERN CALIFORNIA FLOOR COVERING INDUSTRY WELFARE
22 FUND; STEVE HAVENS, TRUSTEE, in this action. I am duly admitted to
23 practice law in the United States District Court, Northern District
24 of California. If called as a witness, I could and would competently
25 testify as follows:

26 2. Service was accomplished upon the only party in this
27 case on July 9, 2007. No responsive pleading was filed.

28 3. On December 5, 2007, motion for default judgment was

1 applied for by the plaintiffs.

2 4. The parties were engaged in settlement discussions
3 which were not completely successful.

4 5. Plaintiffs will file a motion for entry of default
5 judgment as soon as all documents have been obtained.

6 6. It is requested that the Court continue the Case
7 Management Conference to February 6, 2008 to allow plaintiffs time to
8 file the motion.

9 7. Good cause exists to grant plaintiffs' request for a
10 continuance of the Case Management Conference currently set for
11 December 12, 2007 to February 6, 2008 because of the impossibility of
12 plaintiffs to file a motion for default judgment at this time and to
13 avoid any unnecessary burden to the Court.

14 I declare under penalty of perjury that the foregoing is
15 true and correct to the best of my knowledge.

16 Executed on December 5, 2007 at San Francisco, California.

17 _____
18 /s/ Michael J. Carroll

19 Michael J. Carroll
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